

for controlling means to adjust an amplification amount applied to said voice signal depending on whether or not said data ... includes a discrimination datum which represent both of said voice signal and said image datum”.

5 Independent claim 1 further recites “amplifying means for amplifying said voice signal to produce an amplified voice signal” and “controlling means connected to said amplifying means”.

These features are shown in Figure 2 of the present application, in which controlling device 9 is connected to amplifier 10. Also, the written description of the present application describes, particularly in page 8, lines 12-24, when the data
10 from the base station includes an image datum (i. e., a voice enlarging mode), the controlling device 9 controls the amplifier 10 so that a user can hear the voice from speaker 4 since the user’s ear is not near to speaker 4.

Further, when the data from the base station does not include the image datum (i. e., a voice normal mode), the controlling device 9 controls the amplifier
15 10 so that the speaker 4 generates the voice lower than that of the voice enlarging mode since the user’s ear is near to the speaker 4.

Thus, the present invention is directed to adjusting an amplification amount of the voice signal depending on whether or not the data from the base station includes both of the voice signal and the image datum.

20 In this regard, the Examiner admits that the primary reference to Harris, et al. fails to teach the claimed feature of controlling the amplifying means in response to a discrimination datum, which represents both of the voice signal and

the image datum.

Regarding this missing feature, the Examiner asserts that Ooishi, et al. teaches a discrimination circuit for discriminating the voice signal from the image signal. Based upon these two pieces of the prior art, the Examiner asserts that it would have been obvious to modify the system in Harris, et al. to include the discrimination circuit of Ooishi, et al. to arrive at the claimed invention. This assertion is respectfully but vigorously challenged.

In the Office Action, the Examiner asserts that Ooishi, et al. teaches, in column 9, line 40 to column 10, line 45, the discriminating circuit discriminates the voice signal from the image signal. However, Ooishi, et al. explicitly describes that, in column 9, lines 53-55, "The discriminating circuit 38 is not used for normal image transmission and reception". Furthermore, according to column 13, lines 59-62 of Ooishi, et al., "the discriminating circuit 38 ... discriminates whether or not a line switching signal is received from the caller."

Thus, Applicant respectfully submits that the discriminating circuit taught by Ooishi, et al. does not perform the function of adjusting "an amplification amount applied to said voice signal depending on whether or not said data ... includes a discrimination datum" as recited in claim 1.

For this reason, even if the discriminating circuit of Ooishi, et al. is combined to the system of Harris, et al., the asserted combination would not perform the function of the controlling means, which is connected to and controlling the amplifying means to adjust the amplification amount applied to the

voice signal.

Thus, it would have not been obvious to combine or modify the applied references to arrive at the claimed invention defined in claim 1. Accordingly, Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. §103(a) for obviousness over Harris, et al. in view of Ooishi, et al. is not viable, and, hence, solicits withdrawal thereof.

In the Office Action, claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Harris, et al. in view of Ooishi, et al., and in further view of Harada (U.S. Patent No. 6,038,529). This rejection is respectfully traversed.

Claim 2 stems from independent claim 1. As mentioned above, Applicant believes that claim 1 is patentably distinguishable over Harris, et al. in view of Ooishi, et al. Particularly, Applicant contended that the asserted combination of the system of Harris, et al. and the discriminating circuit of Ooishi, et al. would not perform the claimed function of the controlling means.

In this regard, Applicant submits that the secondary reference to Harada fails to cure the argued deficiency from the teachings of Harris, et al. and Ooishi, et al. Thus, it is believed that it would not have been obvious to combine or modify the applied prior art to arrived at the claimed invention defined in claim 2. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection.

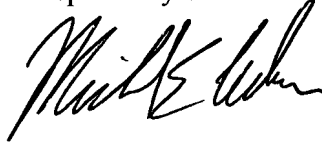
CONCLUSION

In view of the foregoing, it is respectfully submitted that claims 1 and 2 are patentably distinguishable over the applied prior art, and stand in prima facie condition for allowance. It is requested that the application be re-examined, that
5 claims 1 and 2 be allowed and that the application be passed to issue.

Should the examiner find the application to be other than in condition for allowance, the examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic interview.

10 Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted



Michael E. Whitham

Reg. No. 32,635

McGuire Woods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Tel: 703-712-5000
Fax: 703-712-5050

APPENDIX

1 1. (Amended) A portable telephone which transmits data having at least one of a
2 voice signal and an image datum which are radio signals to a communicating device
3 through a base station and which receives said data [having at least one of said voice
4 signal and said image datum] from said communicating device through said base station,
5 said portable telephone comprising:

6 amplifying means for amplifying said voice signal to produce an amplified voice
7 signal;

8 voice outputting means connected to said amplifying means for outputting a voice
9 when [said voice outputting means is supplied with] said amplified voice signal is provided
10 thereto;

11 controlling means, connected to amplifying means for controlling said amplifying
12 means [in response] to adjust an amplification amount applied to said voice signal
13 depending on whether or not said data transmitted to said portable telephone from said
14 base station in an establishment time of a data link include a discrimination datum which
15 represents [one kind] both of said voice signal and said image datum [and which is
16 included in a call setting datum which is sent, in a established time of a data link, from said
17 base station]; and

18 displaying means for displaying said image datum.